



**Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, October 1, 2014, 7:20 PM
Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, October 1, 2014 at 7:20 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager Dale S. Sugerman, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Town Clerk Mendez performed the roll call.

SPECIAL PRESENTATIONS/REPORTS

None

PUBLIC COMMENT:

None

CONSENT AGENDA:

- 1. Final Public Budget Hearing Meeting Minutes of September 17, 2014**
- 2. Regular Commission Meeting Minutes of September 17, 2014**
- 3. Resolution No. 32-10-14 Authorizing the Mayor to Sign the Application for State Aid to Libraries**

Motion: Commissioner O'Rourke moved to approve the Consent Agenda; Commissioner Rapoza seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

PUBLIC HEARINGS – QUASI-JUDICIAL:

- 4. Resolution No. 33-10-14 An Application by Aldi Florida, LLC, for Special Exception Use and Site Plan Approval for a 17,107 Square Foot General Grocery Store**

Town Attorney Baird sworn in all witnesses.

The members of the Commission made the following ex-parte communication disclosures:

Commissioner Rapoza had no ex-parte communications to disclose.

Commissioner Flaherty had no ex-parte communications to disclose.

Vice-Mayor Glas-Castro disclosed that she had emailed staff questions regarding the project and staff had responded to her questions.

Commissioner O'Rourke disclosed that he had communicated with the property owner.

Mayor DuBois disclosed that he had introduced himself to one of the applicants before tonight's meeting began.

Nadia DiTommosa gave a staff presentation on the item (see Exhibit "A").

Mr. Brandon Ulmer, Project Manager, and Mr. Jeff Williams Real Estate Broker for Aldi Florida, LLC were available to answer questions.

The Commission asked a series of questions of the applicant as it related both to the proposed site plan (including traffic flow related to delivery trucks, cross access with the adjacent parcels in the PUD, and the architectural features of the proposed building). The Commission discussed, at length, what it believed was the intent of the Town's Architectural Design Standard Guidelines and how this proposed project seemed to be deficient in meeting that intent.

The Commission asked that the developer do the following:

- Have their architect review and make changes to the design to meet the intent of the Town's Architectural Design Standard Guidelines;
- Address the cross access deficiencies in the parking lot;
- Dress up the windows with awnings,
- Include additional concepts for masking the building.

The applicant asked the Commission if it was willing to provide them with specific examples of how they could better meet the intent of the Architectural Design Standard Guidelines. It was the consensus of the Commission that it was not their responsibility to design the building for the applicant.

Public Comment Open:

None

Public Comment Closed:

Motion: Commissioner O'Rourke moved to continue Resolution 33-10-14 to the November 19, 2014 Regular Commission Meeting; Commissioner Rapoza seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

PUBLIC HEARINGS - ORDINANCE ON FIRST READING:

None

PUBLIC HEARINGS - ORDINANCE ON SECOND READING:

None

NEW BUSINESS:

5. Resolution No. 34-10-14 Amending the Town of Lake Park Handbook of Procedures and Policies for Employees of the Town of Lake Park to Revise the Town Drug Free Workplace Policy

Human Resources Director Bambi Turner explained the item (see attached Exhibit "B").

Motion: Commissioner O'Rourke moved to approve Resolution No. 34-10-14; Commissioner Rapoza seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird stated that he was still waiting for U.S. Attorney MacFarland to send him the information regarding voting methods options for the Commission's review.

Town Manager Sugerman asked the Commission for direction on the advisability of providing advanced copies of documents requested by one Commissioner before the entire group receives the same information, as well as individual Commissioners requesting advanced copies of documents by going directly to staff to request that information.

The Commission came to a unanimous consensus that information requested by one Commissioner does not need to be shared with the remaining members at the time of the original request.

Commissioner Rapoza asked if the Town sends the Palm Beach Post any information regarding the recreational activities that are taking place on a weekly basis. Town Manager Sugerman explained that it is cost prohibitive for the Town to send press releases to the Palm Beach Post on a weekly basis.

Commissioner Rapoza asked why the Palm Beach Post refers to Lake Shore Park as Kelsey East. Town Manager Sugerman explained that he was not sure why the Palm Beach Post refers to Lake Shore Park as Kelsey East.

Commissioner Rapoza congratulated Mr. and Mrs. Thomas of 139 Evergreen Drive for being selected as "Property of the Month".

Commissioner Rapoza asked the Commission for consensus to allow her to sponsor an agenda item at a future Commission meeting where a representative of Earl Stewart Toyota could present their idea of having a flagpole installed on their property. The Commission asked that the representative of Earl Stewart Toyota contact each Commissioner individually to discuss the installation of a flagpole on their property versus having the item placed on a future agenda by Commissioner Rapoza.

Commissioner Flaherty had no comments.

Commissioner O'Rourke asked if the Town would be hosting a Seafood Festival. Town Manager Sugerman stated that an outside event coordinator would be hosting a Seafood and Music Festival in November and that their Special Event Permit (which would be asking for the waiver of certain standard fees) would appear on the October 15th Town Commission meeting.

Commissioner O'Rourke thanked staff for another successful Sunset Celebration.

Vice-Mayor Glas-Castro asked for information regarding the October Sunset Celebration.

Town Clerk/Deputy Town Manager Mendez explained that the October Sunset Celebration would be held at Lake Shore Park because the Marina would be under construction by October 31st. She explained that the event would be called Fall Fest at Sunset and would be conducted from 6:00 p.m. until 9:00 p.m. She stated that the vendors are being asked to distribute candy to children from 6:00 p.m. until 7:00 p.m. since the Palm Beach County Sheriff's Office would not be conducting their traditional Trunk or Treat event.

Vice-Mayor Glas-Castro asked what day the Town would be participating in the Literacy Coalition reading of the bunny story to the children. Town Clerk Mendez was asked to confirm with the Library Director what date and time was being scheduled for this event and notify the Commission of that information.

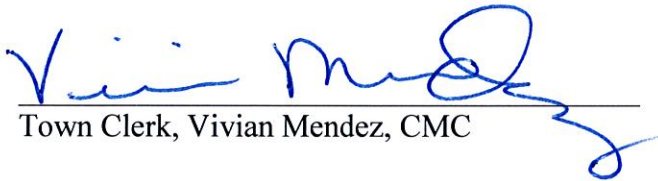
Mayor DuBois stated that he received, in the mail, an All Aboard Florida Environmental Impact Statement (EIS), which states that there will be public meetings scheduled by the Florida Railroad Administration on the proposed All Aboard Florida plan. The closest public meeting to the Town of Lake Park will be held on October 29th from 3:30 until 7:00 p.m. in West Palm Beach.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Flaherty and seconded by Commissioner Rapoza, and by unanimous vote, the meeting adjourned at 9:18 p.m.



Mayor James DuBois



Town Clerk, Vivian Mendez, CMC



Approved on this 15 of October, 2014



AGENDA

Lake Park Town Commission

Town of Lake Park, Florida

Regular Commission Meeting

Wednesday, October 1, 2014

Immediately Following the

Community Redevelopment Agency Board Meeting

Lake Park Town Hall

535 Park Avenue

James DuBois

—

Mayor

Kimberly Glas-Castro —

Vice-Mayor

Erin T. Flaherty —

Commissioner

Michael O'Rourke —

Commissioner

Kathleen Rapoza —

Commissioner

.....
Dale S. Sugerman, Ph.D. —

Town Manager

Thomas J. Baird, Esq. —

Town Attorney

Vivian Mendez, CMC —

Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

A. CALL TO ORDER/ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS/REPORTS

None

D. PUBLIC COMMENT:

This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

E. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item

will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

1. Final Public Budget Hearing Meeting Minutes of September 17, 2014 Tab 1
 2. Regular Commission Meeting Minutes of September 17, 2014 Tab 2
 3. Resolution No. 32-10-14 Authorizing the Mayor to Sign the Application for State Aid to Libraries Tab 3
- F. PUBLIC HEARING(S) – QUASI JUDICIAL:
4. Resolution No. 33-10-14 An Application by Aldi Florida LLC, for Special Exception Use and Site Plan Approval for a 17,107 Square Foot General Grocery Store Tab 4
- G. PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:
None
- H. PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:
None
- I. NEW BUSINESS:
5. Resolution No. 34-10-14 Amending the Town of Lake Park Handbook of Procedures and Policies for Employees of the Town of Lake Park to Revise the Town Drug Free Workplace Policy Tab 5
- J. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:
- K. ADJOURNMENT

Next Scheduled Regular Commission Meeting will be held on Wednesday, October 15, 2014



#Exhibit "A"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 1, 2014

Agenda Item No. 4

Agenda Title: AN APPLICATION BY ALDI FLORIDA LLC, FOR SPECIAL EXCEPTION USE AND SITE PLAN APPROVAL FOR A 17,107 SQUARE FOOT GENERAL GROCERY STORE.

- ☐ SPECIAL PRESENTATION/REPORTS ☐ CONSENT AGENDA
☐ BOARD APPOINTMENT ☐ OLD BUSINESS
☐ PUBLIC HEARING ORDINANCE ON ___ READING
☒ **RESOLUTION – PUBLIC HEARING/QUASI-JUDICIAL**
☐ OTHER

Approved by Town Manager

Date:

9/19/14

Nadia Di Tommaso / Community Development Director

Name/Title

Originating Department: Community Development	Costs: \$ Required advertisement and certified mail Funding Source: Applicant ("Aldi LLC") Acct. # 4770 <input type="checkbox"/> Finance _____	Attachments: → Staff Report → Resolution <u>33</u> -10-14 → Copy of Applications → Copy of Legal Ad and Certified Letter → Site Plan Package – <i>available in the drop box and in paper format in the Community Development Department.</i>
Advertised: Date: 08-29-2014 Paper: Palm Beach Post <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>ND</u> – see <i>notation in costs field</i> or Not applicable in this case _____ Please initial one.

Summary Explanation/Background:

The Owner of the subject property, Congress Avenue Properties LLC, is currently under a purchase contract with ALDI Florida LLC (the Applicant). Aldi LLC submitted a Site Plan and Special Exception Use application to develop a 17,107 square foot "General Grocery Store" on Parcel A of the Congress Business Park Planned Unit Development (PUD). The subject site has a "Commercial/Light Industrial" land use designation and is within the previously approved Congress

Business Park Planned Unit Development (PUD) zoning district with an underlying Commercial-2 Business District (C-2) zoning district designation.

Section 78-77(1)(g)(3) of town code states that the uses which are permitted within a PUD include those which are listed in the underlying zoning district. A general grocery store measuring over 10,000 square is not listed as a permitted use in the C-2 zoning district. A PUD also provides for *additional uses that may be permitted by the Town Commission following review and approval of a Special Exception Application.*

Staff has determined that because the C-2 zoning district allows smaller specialty grocery stores, ALDI's proposed 17,107 square foot "general grocery store" may be permissible if approved as an "additional" special exception use. Staff's interpretation of the code is based upon the opinion that a general grocery store is compatible with the uses and general intent of the C-2 zoning district which permits a wide variety of commercial uses.

Both applications, the special exception use and the site plan, were reviewed pursuant to the town code criterion for special exception uses and requirements for site plan review and have met the town code criterion and requirements. The enclosed staff report includes a detailed description of the criterion and requirements.

The Planning & Zoning Board reviewed the applications at its September 8, 2014 meeting and provided a unanimous recommendation of approval on both the special exception use of a 17,107 square foot general grocery store and on the site plan application with all the conditions of approval proposed by staff along with additional conditions #18, #19, and #20.

Recommended Motion: I MOVE TO APPROVE RESOLUTION ~~33~~10-14 WITH THE CONDITIONS OF APPROVAL PROPOSED BY STAFF.



**TOWN LAKE OF PARK
TOWN COMMISSION
MEETING DATE: October 1, 2014**

APPLICATION: SITE PLAN AND SPECIAL EXCEPTION USE FOR A 17,107
SQUARE FOOT ALDI GROCERY STORE WITHIN THE
CONGRESS BUSINESS PARK PLANNED UNIT
DEVELOPMENT

SUMMARY OF APPLICANT'S REQUEST: The Owner of the property, which is the subject of the two Applications, is Congress Avenue Properties, LLC (Owner). ALDI Florida, LLC ("Applicant") has a contract to purchase the property referenced in the submitted Applications for a Site Plan and the Special Exception Use of "Grocery Store". The Applicant proposes to develop a 17,107 square foot "ALDI" grocery store on Parcel A of the Congress Business Park Planned Unit Development ("the Site"). The Site has a "Commercial/Light Industrial" land use designation and is within the previously approved Congress Business Park Planned Unit Development (PUD) Zoning District with an underlying Commercial-2 Business District (C-2) zoning designation.

Section 78-77(1)(g)(3) of Town Code states that the uses which are permitted within a PUD includes those which are listed in the underlying zoning district. However, within a PUD, *additional uses may be permitted by the Town Commission following review and approval of a Special Exception Application.*

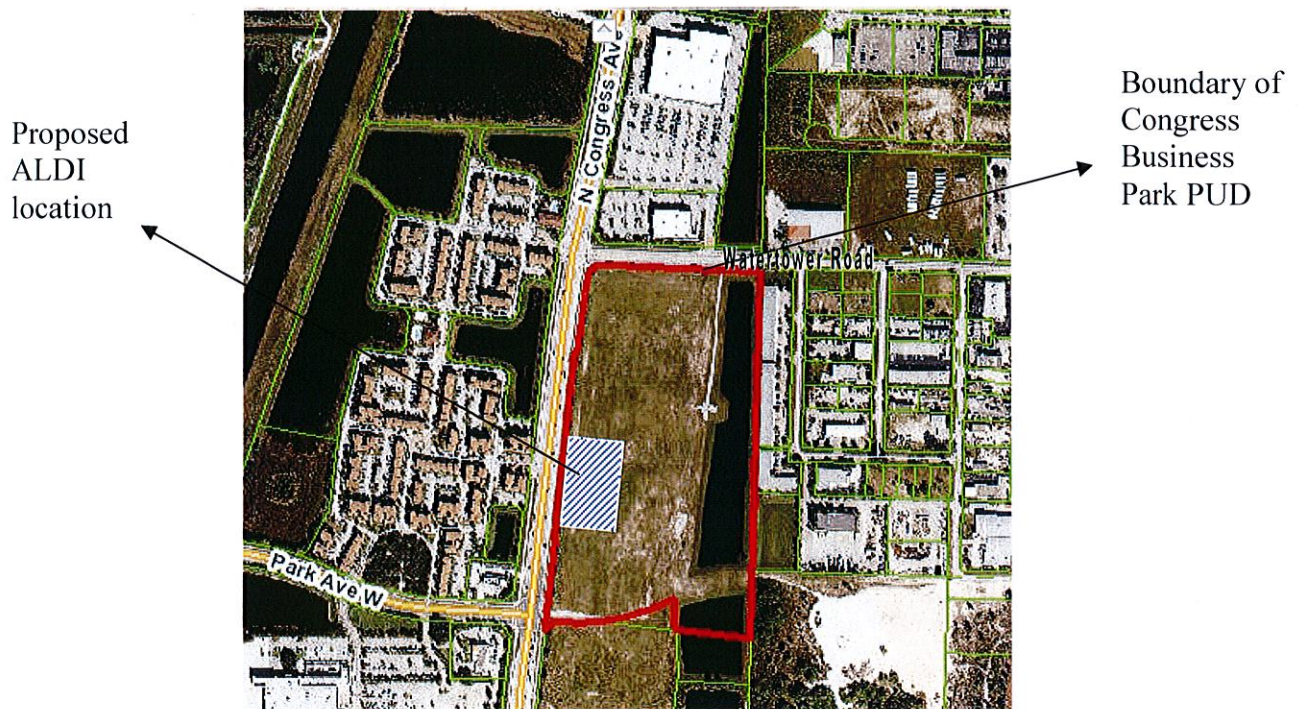
The C-2 Zoning District only allows specialty grocery stores as a use by right with a maximum building size of 10,000 square feet. Staff has determined that ALDI's proposed grocery store is not a "specialty grocery store." Consequently, Staff has interpreted the Applicant's proposed 17,107 square foot *general* grocery store as being an "additional use" which would be permitted within the PUD provided it meets the criteria established by the Code for a Special Exception Use. Staff's interpretation of the Code is based upon the opinion that a general grocery store is compatible with the uses and general intent of the C-2 Zoning District which permits a wide variety of commercial uses.

PLANNING & ZONING BOARD (Recommended Approval 5-0: 09/08/2014): **A recommendation of approval was motioned, seconded, and approved 5-0 for both the special exception use and the site plan with additional conditions #18, #19, and #20.**

BACKGROUND:

Applicant(s): Jeffery Williams/ALDI Florida, LLC
Owner(s): Congress Avenue Properties, LLC
Address/Location: North Congress Avenue
Net Acreage: 2.38 acres
Legal Description: 19-42-43, PT OF SE 1/4 LYG BET WATER TOWER RD R/W & PB21P3 & E OF & ADJ TO CONGRESS AVE R/W (LESS SLY 728.69 FT & PT K/A)
Existing Zoning: Planned Unit Development (PUD)
Commercial 2 (C-2) Business District
Future Land Use: Commercial/Light Industrial

Figure 1: Aerial View of Site (image not to scale; for visual purposes only)

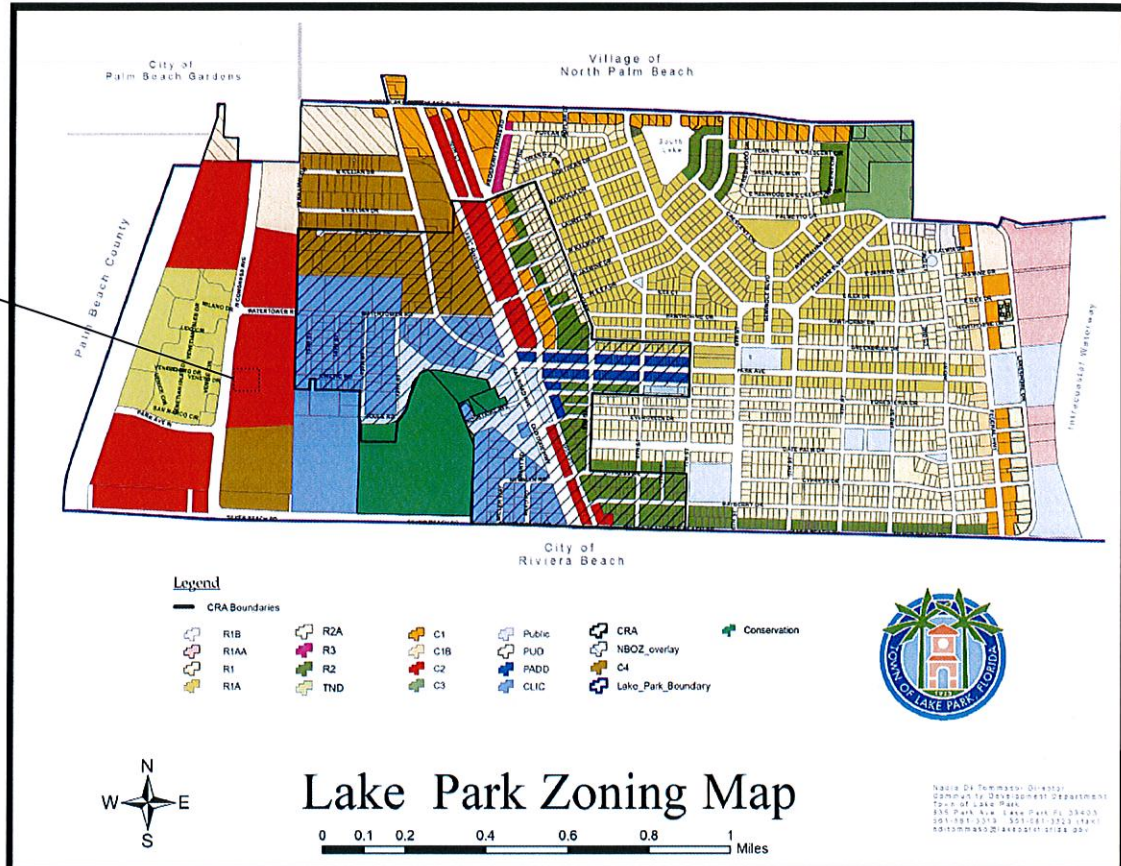


Adjacent Zoning

North: Planned Unit Development (PUD) / Commercial 2 (C-2)
 South: Planned Unit Development (PUD) / Commercial 2 (C-2)
 East: Planned Unit Development (PUD) / Commercial 2 (C-2)
 West: Traditional Neighborhood District (TND)

LAKE PARK ZONING MAP

Subject Site

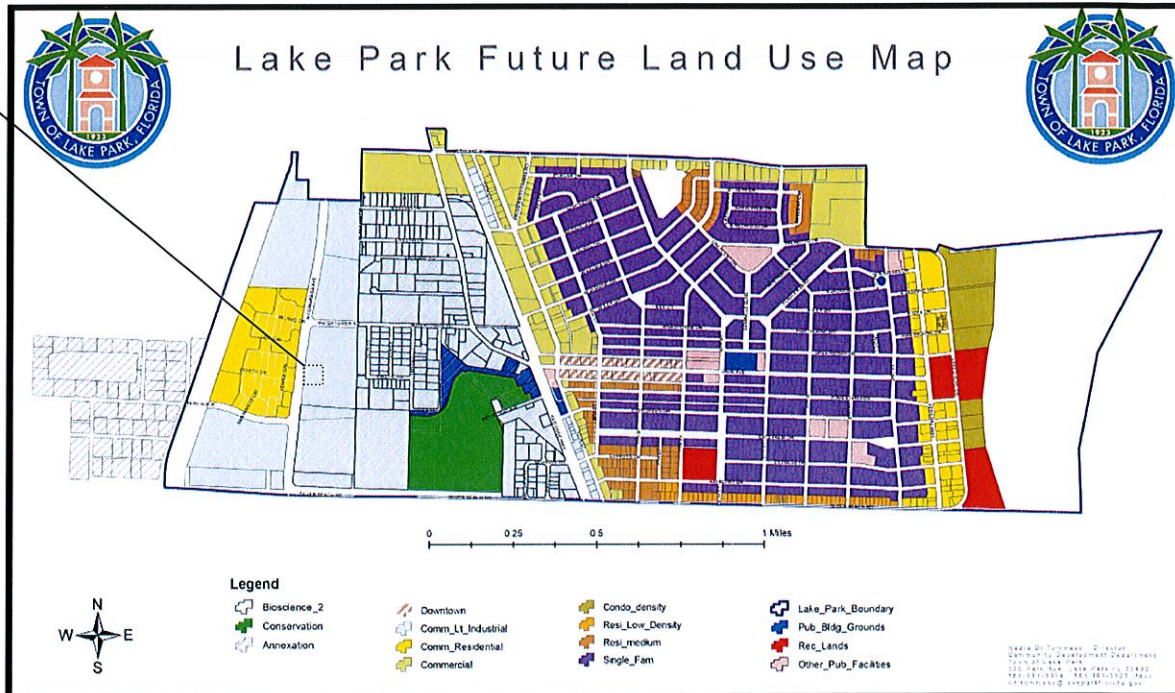


Adjacent Existing Land Use

North: Commercial Light Industrial
South: Commercial Light Industrial
East: Commercial Light Industrial
West: Commercial/Residential

LAKE PARK FUTURE LAND USE MAP

Subject
Site



PART I: APPLICATION FOR A SPECIAL EXCEPTION USE

ANALYSIS OF SPECIAL EXCEPTION CRITERIA

Town Code **Section 78-184** sets forth the criteria which must be met to entitle an applicant to a Special Exception use. There are criteria, all of which must be met. **Note: Staff's analysis of the criterion are in bold.**

1. Is the proposed Special Exception Use consistent with the goals, objectives, and policies of the Town's Comprehensive Plan?

Staff has determined that the proposed use would specifically further two Objectives, and one Policy of the Future Land Use Element of the Comprehensive Plan:

Objective 1, Policy 1.5:

The Town shall encourage development and redevelopment activities which will substantially increase the tax base while minimizing negative impacts on natural and historic resources, existing neighborhoods and development, and adopted Levels of Service standards.

Objective 5 :

As a substantially built-out community in an urbanized area, the Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, the built and natural environments, and neighboring jurisdictions.

The development of a new building on a currently undeveloped parcel will increase the Town's tax base. The Site is not environmentally sensitive or historically significant and therefore the development of the Site would not cause negative impacts to the surrounding area, or existing neighborhoods. The development of a general grocery store across Congress Avenue from a large residential apartment complex furthers the two Objectives and the Policy of the Comprehensive Plan of infill development which is considerate of existing neighborhoods. The Palm Beach County Traffic Division has issued a traffic concurrency letter confirming that the development of ALDI will not exceed the adopted level of service for North Congress Avenue.

CRITERIA MET.

2. Is the proposed Special Exception Use consistent with the Town's land development regulations and all other portions of this Code?

The Site Plan meets the Land Development Regulations of the Town Code.

CRITERIA MET

3. Is the proposed Special Exception Use compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property?

A general grocery store is compatible with the character of the surrounding commercial uses. The commercial uses along North Congress Avenue

includes big box retail businesses such as Kohl's, Walmart, and Target. The Applicant's proposed hours of operation (from 9 am – 8 pm, 7 days a week) are comparable to these businesses and considerate of the surrounding areas, including the residential district directly across the proposed Site on the west side of North Congress Avenue.

CRITERIA MET

4. Will the proposed Special Exception Use on the Site create a concentration or proliferation of the same or similar type of use, which may be detrimental to the development or redevelopment of the area?

There are no standalone specialty or general grocery store uses along North Congress Avenue, however, several businesses along the Corridor provide food (grocery) sales as part of their operation. Given the nature of this use being proposed as a standalone grocery store, and the market it will serve, it is highly unlikely that the general grocery store would result in a proliferation of grocery stores in this area of the Town.

CRITERIA MET

5. Will the proposed Special Exception Use have a detrimental impact on surrounding properties based on:

- a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;

The proposed use is not expected to have a detrimental impact on the surrounding properties. The Site Plan meets the Code's Land Development Regulations for a general grocery store and provides sufficient parking for customers using it and the employees who will be employed there.

CRITERIA MET

- b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use.

The primary operations of the proposed Special Exception Use are entirely indoors, and therefore, should not produce any external visual or odor nuisances. Delivery trucks will bring products to the store on a regular basis. These vehicles may create some noise, odor, or other nuisances, however, this activity will take place on the exterior of the building inside the truck well which is screened from public view. The Applicant is proposing a sloped truck well where delivery trucks can unload produce and goods to be sold within the store. This type of delivery area is similar to other businesses within the corridor. This may mitigate to a small degree the noise or visual nuisances that may occur as a result of the deliveries.

The dumpsters will be located within the truck well and will be screened from public view as well.

CRITERIA MET

- c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.

As previously stated, Palm Beach County's Traffic Division issued a Traffic Concurrency Letter which verifies that the projected traffic upon the affected roadways meets the County's Traffic Performance Standards based on the proposed use, can be accommodated.

CRITERIA MET

(6) Does the proposed Special Exception Use:

- a. Significantly reduce light and air to adjacent properties?

The building constructed upon the Site generally meets the setback regulations of the Town Code for a use of this nature. It should also be noted that the Site is within a "master planned" PUD.

CRITERIA MET

- b. Adversely affect property values in adjacent areas.

The Site's development will not adversely affect the property values of the adjacent uses.

CRITERIA MET

- c. Deter the improvement, development or redevelopment of surrounding properties in accord with existing regulations.

The proposed Special Exception Use would not be a deterrent to the improvement, development or redevelopment of surrounding properties.

CRITERIA MET

- d. Negatively impact adjacent natural systems or public facilities, including parks and open spaces.

The proposed Site is not within or in close proximity to any naturally sensitive areas or parks. The south, east, and west sides directly adjacent

to the Site are undeveloped, therefore, the proposed Special Exception Use will not negatively impact any open space or public facilities.

CRITERIA MET

- e. Provide pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

The Site Plan indicates that trash receptacles, benches and bike racks will be located at appropriate locations on the Site. A pedestrian pathway across the Site provides connectivity to and from North Congress Avenue.

CRITERIA MET

PART II: APPLICATION FOR A SITE PLAN

The Site Plan has been reviewed by the Town's Engineer, Landscape Architect, and Community Development Department. Based upon this review, the Staff finds that the Site Plan meets the Land Development Regulations of the Town Code, and is consistent with the PUD's established Signage Guidelines, Architectural Guidelines, and Landscaping Plan.

SITE PLAN PROJECT DETAILS:

Building Site: The Site is a parcel within a Master Plan associated with a PUD. The PUD's underlying zoning designation is C-2. The Site is to be developed as a general grocery store of 17,107 square feet.

Site Access: The Site has two entrances. One entrance is on the west side of the Site and the other is on the south side, both of which are accessible by the PUD's interior roads. The interior roads can be accessed by using the Park Avenue West Extension road which is currently under construction.

Traffic: The Applicant has received a Traffic Performance Standard (TPS) concurrency letter from Palm Beach County's Traffic Division which confirms that there is adequate capacity on the roadways which serve the Site.

Landscaping: The Site Plan meets the Town's Landscaping Code regulations and is consistent with the Landscaping Master Plan approved pursuant to a previously approved application for a PUD by the owner of the property. The Applicant's Landscaping Plan has been determined to be "satisfactory for Site Plan Approval" by the Town's consulting Landscape Architect.

Drainage: The Town's Engineer has reviewed the Applicant's Paving and Drainage Plan and has determined that it meets the engineering requirements for Site Plan review.

Parking: The Town's Parking Code requires 5 spaces per 1,000 square feet of gross floor area. Therefore, the proposed building at 17,107 square feet requires 86 parking spaces. The Applicant is proposing 86 parking spaces, which includes 4 required handicap parking spaces.

Signage: The Applicant has submitted a proposed Master Signage Plan that is consistent with the Town's Sign Code and the previously approved PUD Master Signage Plan. The Applicant is proposing wall signs above the south and east building entrances, as well as a monument sign classified as a PUD Tenant Sign in the PUD regulations.

Zoning: The use of a general grocery store is not a use permitted by right, but rather as an "additional use" by special exception approval. The Applicant has applied for Special Exception Use approval.

Water/Sewer: Staff has received confirmation from Seacoast Utilities Authority that the Applicant has reserved water capacity for the Site. Drainage permits are required prior to the issuance of building permits per SUA.

Design: The Applicant's proposed Elevations Plan meets the Town's Architectural Guidelines as well as the architectural guidelines established by the previously approved PUD. The Applicant has incorporated design features for the building which are consistent with the intent of the Code and the previously approved PUD.

Fire: Palm Beach County Fire completed a preliminary site plan review of the proposed Site Plan and has no comments pertaining to the Site Plan at this time. PBC Fire will be reviewing the plans in greater detail as part of the building permit review process at that time.

PBSO: The Crime Prevention Through Environmental Design (CPTED) review was done by the Town Planner who is CPTED Certified rather than the Palm Beach Sheriff's Office (PBSO). The Reviewer recommended the installation of video surveillance, but the Applicant chose to not incorporate the recommendation. The Reviewer did not raise any additional recommendations or concerns.

PART III: STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the Special Exception Use for a 17,107 square foot grocery store in the Congress Business Park PUD. Staff recommends **APPROVAL** of the Site Plan subject to the following conditions:

1. The Applicant shall develop the Site consistent with the following Plans:
 - a. Site Plan, Site Plan Details, and Photometric Plan referenced as Sheets C-3, C-4, and C-11 respectively; signed and sealed on August 8, 2014 and prepared by Thomas Engineering Group; received and dated by the Department of Community Development on August 29, 2014.
 - b. Landscape Plans and Irrigation Plans, referenced as Sheets LP-1, LP-2, LP-3 and LI-1, LI-2, LI-3; signed and sealed on May 7, 2014 and prepared by Thomas Engineering Group; received and dated by the Department of Community Development on September 3, 2014.
 - c. Floor Plans, Elevations, and Signage Plans referenced as Sheets A-131, A-201, and MS100 respectively; signed and sealed on August 22, 2014 and prepared by Cuhaci & Peterson Architects Engineers Planners; received and dated by the Department of Community Development on August 29, 2014.
 - d. Paving, Grading & Drainage and Water/Sewer Plans referenced as Sheets C-5 through C-11; signed and sealed on August 8, 2014 and prepared by Thomas Engineering Group; received and dated by the Department of Community Development on August 29, 2014.
 - e. Survey dated May 20, 2014 referenced as Drawing D99-240K prepared by Lidberg Land Surveying Inc. signed and sealed on May 20, 2014 and received by the Department of Community Development on September 3, 2014.
2. Construction is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless otherwise approved in writing by the Community Development Director.
3. Any proposed disruption to the normal flow of traffic within the rights of way of North Congress Avenue or the Park Avenue West Extension during the construction of the Site, shall be subject to the review and approval of the Community Development Director (the Director).
4. Should any disruption to the normal flow of traffic occur during construction of the Site, the construction shall immediately cease until the Directors of the Town's Public Works Department and Community Development Departments have reviewed the situation and given the Applicant written approval to proceed.

5. Should any disruption to the surrounding entrance/exit streets and parking areas along North Congress Avenue or the Park Avenue West Extension occur such that the daily operation of nearby businesses is adversely impacted, the construction activities shall cease until the Applicant has secured the written approval of the Director.
6. All landscaping shown on the Site Plan and the Landscaping Plan shall be continuously maintained from the date of the issuance of the Certificate of Occupancy by the Town. The Owner/Applicant shall replace any and all dead or dying landscaping materials so as to maintain the quantity and quality of the landscaping shown on the approved Site Plan and Landscaping Plan.
7. The hedge material for the Site shall be maintained at five feet unless otherwise noted on the approved plans for the Site or the PUD.
8. Safe and adequate pedestrian passage shall be maintained along the Site's entrances.
9. The Applicant shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction of the Site.
10. The dumpster shall be screened as noted on the Site Plan and kept closed at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town.
11. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on the Site are in accordance with the approved Site Plan and the Landscaping Plan.
12. The Site shall be subject to the Unity of Control which has been approved for the PUD. No building permit shall be issued until and unless an executed Unity of Control approved by the Town Attorney has been recorded.
13. Prior to the issuance of a building permit, the Applicant shall submit an application for a Plat and receive its approval by the Town.
14. Prior to the issuance of any building permits, the Applicant shall submit copies of any permits required by other agencies, including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection.
15. Any revisions to the approved Site Plan, Landscape Plan, architectural elevations, signs, statement of use, photometric plan, or other detail submitted as part of the Application, including, but not limited to, the location of the proposed improvements or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Department, and shall be subject to its review and approval.

16. Prior to the issuance of a Certificate of Occupancy for the grocery store, the Owner and Applicant shall ensure that all of the Park Avenue Extension, the interior roadways and curb cuts as shown in the approved PUD Master Plan have been constructed and approved by the Town Engineer.
17. Plans shall include stamped/treated asphalt or similar decorative feature within hatched areas on the east and southwest sides.
18. The Applicant shall submit proposed Cross Access Agreements with the adjoining property owners, as may be necessary to comply with Section 78-144 of the Town Code, which shall be subject to the review and approval of the Town Attorney. Continuous access shall be maintained between all parcels in accordance with the PUD Master Plan and Section 78-144 of the Town Code.
19. The Applicant shall revise the Site Plan to show the relocation of some of the bike racks closer to the front entrance of the building.
20. The Owner or Applicant shall initiate bona fide and continuous development of the Site within 18 months from the effective date of this Development Order. Failure to do so shall render the Development Order void. Once initiated, the development of the Site shall be completed within 18 months.
21. **Cost Recovery.** All fees and costs, including legal fees incurred by the Town in reviewing the Application and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. Failure by an Owner or an Applicant to reimburse the Town within the 10 day time period may result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order.

APPLICATION REQUIREMENTS:

1. Please discuss how the Special Exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.

Since the project use will be consistent with the overall proposed PUD, we feel that it is consistent with the Town's overall Comprehensive plan.

2. Please discuss how the proposed Special Exception is consistent with the land development and zoning regulations and all other portions of the Town of Lake Park Code of Ordinances.

Since the project use will be consistent with the overall proposed PUD, we feel that it is consistent with the Town's overall land development and zoning regulations.

3. Please explain how the proposed Special Exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location; mass; height and setback; and other relevant factors peculiar to the proposed Special Exception use and the surrounding property.

The proposed Grocery Store is part of an overall master PUD that is currently under review. Based on the master PUD we feel that we are consistent with the future use of the overall Commercial Park.

4. Please explain how the establishment of the proposed Special Exception use in the identified location does not create a concentration or proliferation of the same or similar type of Special Exception use, which may be deemed detrimental to the development or redevelopment of the area in which the Special Exception use is proposed to be developed.

The proposed Grocery Store is currently the only grocery store proposed in the Commerce Park. We don't feel that it will adversely affect the other proposed uses.

-
-
5. Please explain how the Special Exception use does not have a detrimental impact on surrounding properties based on; (a) The number of persons anticipated to be using, residing, or working on the property as a result of the Special Exception use; (b) The degree of noise, odor, visual, or other potential nuisance factors generated by the Special Exception use; (c) The effect on the amount and flow of traffic within the vicinity of the proposed Special Exception use.
 6. Please explain how the proposed Special Exception use meets the following requirements; (a) does not significantly reduce light and air to adjacent properties; (b) does not adversely affect property values in adjacent areas; (c) would not be deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations; (d) does not negatively impact adjacent natural systems or public facilities, including parks and open spaces; and (e) provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

The proposed Grocery Store is part of a master PUD that is currently in for review. The use is consistent with the PUD and should not have any adverse affect on adjacent Commercial Uses.

7. Please provide the following:
 - a. Special Exception fee plus escrow of \$800.00.
 - b. Advertising costs: The petitioner shall pay all costs of publication of public hearing required in a newspaper of general circulation within the Town. This cost will be deducted from the escrow.
 - c. Courtesy Notice Property Owners List. A complete list of property owners and mailing addresses of all property owners within 300 feet of the subject parcel as recorded in the latest official tax role in the County Court House. Certified Mail will be sent to all owners within 300 feet; postage will be deducted from escrow.
 - d. The applicant must place a 3'x 3' sign on the property to be readily visible to vehicular and pedestrian traffic stating "THIS SITE IS BEING CONSIDERED FOR A CONDITIONAL USE - TOWN OF LAKE PARK". The applicant shall remove sign from subject property within ten (10) days of final action.
 - e. Location Map

- f. Provide a site plan drawn to scale indicating the size of the buildings, the intended floor area ratios, the quantity of parking spaces proposed to be provided; the intended access road(s), the general type of construction in accordance with the Florida Building Code and the codes of the Town of Lake Park, and the availability and approximate location of utilities.
- g. Provide a certified boundary survey by a surveyor registered in the State of Florida containing an accurate legal description of the property and a computation of the total acreage of the parcel.

DOCUMENTS:

1. A statement of the applicant's interest in the property.
2. A warranty deed with an affidavit from the applicant that the deed represents the current ownership.

REPORTS:

A traffic impact analysis, if required by the Town Engineer or staff, on the project generated Traffic impact on the external street serving the site.

For the final review, 13 complete sets of all final required documents, after approval of all other governing agencies, must be submitted.

The Town of Lake Park
Community Development Department



PLEASE DO NOT DETACH FROM APPLICATION.

SIGNATURE REQUIRED BELOW.

Please be advised that the Town of Lake Park Code of Ordinances under Section 51-6 provides for the Town to be reimbursed, in addition to any application or administrative fees, for any supplementary fees and costs the Town incurs in processing development review requests.

These costs can include, but are not limited to, advertising and public notice costs, legal fees, consultant fees, additional staff time, cost of reports and studies, NPDES stormwater review and inspection costs, all engineering fees and inspection costs, and any additional costs associated with the building permit and the development review process.

For further information and questions please contact the Community Development Department at 561-881-3318.

I, <u>Jose W. ...</u> , have read and understand the regulations above	
regarding cost recovery	
<u>[Signature]</u> Signature of Property Owner	<u>4/30/14</u> Date

535 Park Avenue, Lake Park, Florida 33403
Phone: (561) 881-3318 Fax: (561) 881-3323
Web Site www.lakeparkflorida.gov

MAR 07 2014

RECEIVED



THE TOWN OF LAKE PARK

APPLICATION FOR SITE PLAN REVIEW

Project Name: ALDI - Lake Park

Property Address: North Congress Avenue, Lake Park, FL 33403

Owner: CONGRESS AVENUE PROPERTIES LTD Address: 4500 PGA Boulevard Suite 207
Palm Beach Gardens, FL 33418

Applicant (if not owner) Jeffrey Williams / ALDI Florida LLC

Applicant's Address 2056 Vista Parkway, Suite 200
West Palm Beach, FL 33411 Phone 813-446-5915

Fax: 888-635-6198 Cell Phone: E-Mail jeff.williams@aldi.us

Property Control Number (PNC) 3643421900005040

Site Information:

General Location Parcel of Land on East side of North Congress Avenue between Water Tower Road and
Park Avenue West

Address: North Congress Avenue, Lake Park, FL 33403

Zoning District: C-2 Future Land Use Comm Lt Industrial Acreage 2.54
Business district

Adjacent Property:

Direction	Zoning	Business Name	Use
North	C2	Vacant	Vacant Commercial
East	C2	Vacant	Vacant Commercial
South	C2	Vacant	Vacant Commercial
West	TND	Residential	Residential

Justification:

Information concerning all requests (attach additional sheets if needed.)

1. Explain the nature of the request Construction of a +/- 17,135 square foot ALDI grocery store and
associated parking lot and driveways.

2 What will be the impact of the proposed change on the surrounding area?

The proposed site is within a commercial business area so the proposed project should not have an adverse impact to surrounding projects.

3 How does the proposed project comply with Town of Lake Park's zoning requirements?

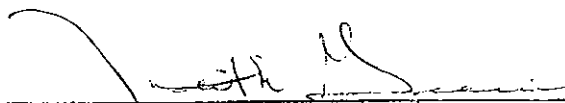
Proposed commercial business use complies with the current zoning and future land use designation.

Legal Description:

The subject property is located approximately _____ mile(s) from the intersection of _____, on the _____ north, X east _____, south, _____, west side of North Congress Avenue (street/road)

Legal Description See attached legal description.

I hereby certify that I am (we are) owner(s) of record of the above described property or that I (we) have written permission from the owner(s) of record to request this action


Signature of Owner/Applicant

3-5-14
Date

Consent Form from Owner and Designation of Authorized Agent:

Before me, the undersigned authority, personally appeared _____
who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description
2. That he/she is requesting _____
in the Town of Lark Park, Florida
3. That he/she has appointed Ryan Thomas, Brandon Ulmer, Thomas Engineering Group
to act as authorized on his/her behalf to accomplish the above project

Name of Owner CONGRESS AVENUE PROPERTIES Ltd.

[Signature]
Signature of Owner

Judith Galvia, V-President
By Name/Title

4500 PGA Boulevard Suite 207

Street Address

Palm Beach Gardens, FL 33418
City, State, Zip code

P O Box

City, State, Zip code

561-691-9050
Telephone Number

561-622-1851
Fax Number

Email Address

Sworn and subscribed before me this 5th day of March, 2014



Debbie Powell
Notary Public

My Commission expires _____

RECEIPT

**LEGAL NOTICE OF PUBLIC HEARING
FOR A SPECIAL EXCEPTION USE
AND SITE PLAN APPLICATION -
TOWN OF LAKE PARK**

Please take notice and be advised that the Planning & Zoning Board will hold a public hearing on **Monday, September 8, 2014 at 7:00 p.m.** in the Town Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida, for a Special Exception Use Application and a Site Plan Application by ALDI Florida, LLC. The Special Exception Use Application seeks to establish the use of a general grocery store within the Congress Business Park Planned Unit Development (PUD), to be located on a parcel between Watertower Road and the Park Avenue West, on the east side of North Congress Avenue. The Site Plan Application proposes the development of the proposed 17,107 square foot, one-story general grocery store within the above-referenced PUD. The applications will also tentatively be heard by the Town Commission of the Town of Lake Park at the meeting of **Wednesday October 1, 2014 at 6:30 p.m.**, or as soon thereafter as can be heard, in the Lake Park Town Hall Commission Chambers, 535 Park Avenue, Lake Park, Florida.

If a person decides to appeal any decision made by the Planning and Zoning Board or the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Town Clerk: Vivian Mendez
8-29/ 2014 #294761



Town of Lake Park
Community Development Department

Certified Mail – You are receiving this notice because you are the legal owner of record for property that is located within 300 feet of the subject property.

August 28, 2014

Re: ALDI Florida, LLC - Special Exception Use & Site Plan Application

Dear Property Owner:

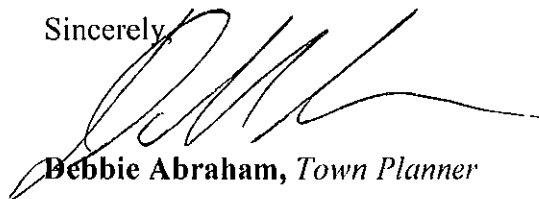
Please be advised that ALDI Florida, LLC (also known as "ALDI") has filed an application for Special Exception to establish the use of a general grocery store within the Congress Business Park Planned Unit Development (PUD), to be located on a parcel between Watertower Road and Park Avenue West, on the east side of North Congress Avenue. The Applicant is also requesting approval of a Site Plan Application to develop the 17,107 square foot, one-story general grocery store in the above referenced PUD.

The **Planning and Zoning Board** will conduct a public hearing to consider these applications on **Monday, September 8, 2014 at 7:00 p.m.**

The item will also tentatively be heard by the **Town Commission** on **Wednesday, October 1, 2014 at 6:30 p.m.**, or as soon thereafter as can be heard.

Both hearings will be held in the Town Hall Commission Chambers located at 535 Park Avenue, Lake Park, Florida. If you have any questions, please do not hesitate to call the Community Development Department at (561) 881-3319.

Sincerely,



Debbie Abraham, Town Planner



Exhibit "B"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 1, 2014

Agenda Item No. 5

Agenda Title: RESOLUTION AMENDING THE TOWN OF LAKE PARK HANDBOOK OF PROCEDURES AND POLICIES FOR EMPLOYEES OF THE TOWN OF LAKE PARK TO REVISE THE TOWN DRUG FREE WORKPLACE POLICY

- [] SPECIAL PRESENTATION/REPORTS [] CONSENT AGENDA
[] BOARD APPOINTMENT [] OLD BUSINESS
[] PUBLIC HEARING ORDINANCE ON ____ READING
[x] **NEW BUSINESS**
[] OTHER: _____

Approved by Town Manager

DSS

Date:

9/19/14

Name/Title

Donna McKittrick-Purn
HUMAN RESOURCES DIRECTOR

Originating Department: Human Resources	Costs: \$ -0- Funding Source: Acct. # [] Finance _____	Attachments: Resolution and Copy of Proposed Revised Drug Free Workplace Policy in Redline Format
Advertised: Date: _____ Paper: _____ [x] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case: BMT Please initial one.

Summary Explanation/Background:

The Town's current Drug Free Workplace Policy is set forth in the 2012 edition of the Handbook of Procedures and Policies for Employee of the Town of Lake Park (Employee Handbook) which was adopted by the Town Commission on August 15, 2012. It is necessary that periodic adjustments be made to the Drug Free Workplace Policy in order to ensure that it is consistent with applicable state and federal laws.

The purpose of this action is to amend the Employee Handbook to revise and update the Town's Drug Free Workplace Policy. A copy of the revised policy is attached in redline format as Exhibit A.

Staff recommends approval.

Recommended Motion: I move to adopt Resolution 34-10:14